

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENVILLE**

EASTMAN CHEMICAL COMPANY,	)	
a Delaware Corporation doing	)	
business in the State of Tennessee,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 2:10-CV-218
	)	(Judge Mattice)
URS CORPORATION,	)	(Magistrate Judge Lee)
a Nevada Corporation,	)	
	)	
Defendant / Third Party Plaintiff,	)	
	)	
v.	)	
	)	
APOLLO ENVIRONMENTAL	)	
STRATEGIES, INC.,	)	
BMC HOLDINGS INC., TERRA CAPITAL	)	
, INC., and TERRA INDUSTRIES, INC.	)	
	)	
Third Party Defendants.	)	
_____	)	

**APOLLO ENVIRONMENTAL STRATEGIES, INC.'S  
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION OR,  
IN THE ALTERNATIVE, MOTION TO TRASFER VENUE**

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COMES NOW Third-Party Defendant, Apollo Environmental Strategies, Inc. and files this Motion to Dismiss Third-Party Plaintiff's suit for lack of personal jurisdiction, pursuant to Federal Rule of Civil Procedure 12(b)(2), asking this Court to dismiss this lawsuit, or, in the alternative, Motion to Transfer Venue asking this Court to transfer the case to the Eastern District of Texas Beaumont Division, as authorized by 28 U.S.C. §§1404(a) and 1406(a).

1. The grounds for the Motion to Dismiss Third-Party Plaintiff's suit for lack of personal jurisdiction are that the court's exercise of jurisdiction over Third-Party Defendant Apollo will violate due process in that Apollo is a nonresident without "minimum contacts" with Tennessee.
2. Alternatively, the grounds for the Motion to Transfer Venue are that the present forum is inconvenient for Third-Party Defendant, and Plaintiff and Defendant/Third-Party Plaintiff will not be inconvenienced by the transfer since the incident made the basis of this lawsuit occurred in the Eastern District of Texas and all parties have minimum contacts to that jurisdiction.
3. This Motion is based on the pleadings and papers on file in this case and the attached memorandum of points of authorities. Further, the Motion is supported by the affidavit of Sandy Elms and the complete contract between Apollo and URS.

Respectfully submitted on the 10th day of November 2010.

LEWIS, KING, KREIG & WALDROP, P.C.

s/ Deborah C. Stevens

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**PRO HAC VICE MOTION TO BE FILED**  
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*ATTORNEYS FOR THIRD PARTY DEFENDANT  
APOLLO ENVIRONMENAL STRATEGIES, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 10<sup>th</sup> day of November 2010, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Deborah C. Stevens

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Deborah C. Stevens (BPR #00724